

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES REEVES, III, AND ALTHEA
JACOBS, PARENT AND NATURAL
GUARDIAN

CIVIL ACTION

v.

CITY OF PHILADELPHIA POLICE
DEPARTMENT;
IMANI EDUCATION CIRCLE CHARTER
SCHOOL; AND VANESSA CARTER-
MORAGNE

No.

NOTICE OF REMOVAL

**TO: THE HONORABLE JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA:**

Defendant, Vanessa Carter-Moragne, by and through her undersigned attorney, respectfully avers as follows:

1. On June 21, 2002, the plaintiffs filed a Complaint against the defendants in the above matter in the Court of Common Pleas of Philadelphia County captioned James Reeves, III, a minor by his parent and natural guardian, Althea Jacobs v. City of Philadelphia-Police Department; Imani Education Circle Charter School; and Vanessa Carter-Moragne. A true and correct copy of the plaintiffs' Complaint, without admission as to any averments therein, is attached hereto as Exhibit "A".

2. The Complaint filed by the plaintiffs alleges that the defendants

individually, or jointly, violated the plaintiff's rights under the Constitution and the laws of the United States including, but not limited to, 42 U.S.C.A. §1983.

3. The above described action is one which may be removed to this Honorable Court by defendant, Vanessa Carter-Moragne pursuant to the provisions of 28 USC §1441 and that this action has been brought in a State court of which the District courts of the United States have original jurisdiction in this action asserts a claim or right arising out of the Constitution and laws of the United States and is, therefore, removable pursuant to 28 U.S.C. §1441 (b).

4. Copies of all process, pleadings, and Orders which have been received by the defendants are attached hereto and filed herewith.

5. This notice is timely, and it was filed within thirty (30) days of receipt of the plaintiffs' Complaint setting forth the claims for relief upon which the action is based. See docket entries attached hereto.

6. Defendants expressly reserve the right to raise all defenses and objections in this action after it is removed to this Honorable Court.

7. A true and correct copy of this Notice of Removal is being filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania as provided by 28 U.S.C. §1446 (d).

8. Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. §1446 (d).

9. Plaintiffs in their Complaint have demanded and perfected a demand for trial by jury. See Exhibit “A”.

WHEREFORE, defendant, Vanessa Carter-Moragne, hereby gives notice that this action is removed from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

MARGOLIS EDELSTEIN

By: _____
FREDERICK T. LACHAT, JR.
Attorney for Defendant,
Vanessa Carter-Moragne

File No.: 28400-4301

VERIFICATION

The averments or denials of fact contained in the foregoing are true and based upon the signer's knowledge or information and belief. If the foregoing contains averments which are inconsistent in fact, signer has been unable, after reasonable investigation, to ascertain which of the inconsistent averments are true, but signer has knowledge or information sufficient to form a belief that one of them is true. This Verification is made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities. Counsel takes this Verification on behalf of Defendant as the person authorized by Defendant to take this Verification could not be reached in time to take this Verification.

FREDERICK T. LACHAT, JR.

DATE:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES REEVES, III, AND ALTHEA
JACOBS, PARENT AND NATURAL
GUARDIAN

CIVIL ACTION

v.

CITY OF PHILADELPHIA POLICE
DEPARTMENT;
IMANI EDUCATION CIRCLE CHARTER
SCHOOL; AND VANESSA CARTER-
MORAGNE

No.

CERTIFICATE OF SERVICE

I, FREDERICK T. LACHAT, JR., ESQUIRE, do hereby certify that a
true and correct copy of Defendant, Vanessa Carter-Moragne's Notice of
Removal was sent to counsel below named via first class United States
Mail, postage prepaid on 7/3/02.

Ilene Schafer, Esquire
North American Building
121 South Broad Street
Suite 800
Philadelphia, PA 19107

Michael Blume, Esquire
1515 Arch Street, 15th Floor
Philadelphia, PA 19102

Harold Viletto, Esquire
1515 Market Street, Suite 1802
Philadelphia, PA 19102

MARGOLIS EDELSTEIN

By: _____
FREDERICK T. LACHAT, JR.
Counsel for Defendant,
Vanessa Carter-Moragne

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES REEVES, a minor by his p/n/g,
PLEAS
ALTHEA JACOBS
1934 Dalkeith Street
Philadelphia, PA 19140

COURT OF COMMON
PHILADELPHIA COUNTY
February term, 2002

v.

No. 001647

CITY OF PHILADELPHIA
1515 Arch Street
Philadelphia, PA 19102

and

IMANI EDUCATION CIRCLE CHARTER
SCHOOL

5612 Greene Street
Philadelphia, PA 19140

and

VANESSA CARTER-MORAGNE
C/O 9th Police District
401 N. 21st Street
Philadelphia, PA 19130

CIVIL ACTION

No.

TO: PROTHONOTARY, Court of Common Pleas
PHILADELPHIA COUNTY
Room 295 City Hall
Philadelphia, PA 19107

Ilene Schafer, Esquire
121 S. Broad Street
Suite 800
Philadelphia, PA 19107

Michael Blume, Esquire
1515 Arch Street, 15th Floor
Philadelphia, PA 19102

Harold Viletto, Esquire
1515 Market Street, Suite 1802
Philadelphia, PA 19102

PLEASE TAKE NOTICE THAT ON 7/2/02, Defendant, Vanessa Carter-Moragne filed in the Office of the Clerk for the United States District Court for the Eastern District of Pennsylvania a NOTICE OF REMOVAL. A copy of the Notice is also being filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, pursuant to Title 28 U.S.C. §1446(d).

MARGOLIS EDELSTEIN

By: _____
FREDERICK T. LACHAT, JR.
Counsel for Defendant,
Vanessa Carter-Moragne